

**IN THE UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

Global Commodities Group, LLC and )  
James Besch )  
  )  
Plaintiffs, )  
  )  
-against-                            ) Case No. 1:13-cv-2063 (SAS) (HBP)  
  )  
National Union Fire Insurance Company of )  
Pittsburgh, PA                        )  
  )  
Defendant.                            )  
  )

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**SECOND DECLARATION OF JOSEPH R. PROFAIZER IN SUPPORT OF**  
**DEFENDANT NATIONAL UNION'S CROSS-MOTION TO COMPEL ARBITRATION**

1. I am an attorney admitted to practice *pro hac vice* before this Court in the above-captioned action. I am a partner with the law firm of Paul Hastings LLP, counsel of record for Defendant National Union Fire Insurance Company of Pittsburgh, PA (“National Union”). Except where stated upon information and belief, I have personal knowledge of the facts set forth herein, and if called as a witness, I could and would testify competently thereto.
2. National Union provides the following supporting documents as Defense Exhibit (“Def. Ex.”) 12:
  - a. E-mail correspondence from James Besch to Frank Gouverne dated November 6, 2009, without a subject line;
  - b. E-mail correspondence from John Hertzler to James Besch dated November 8, 2009, entitled “Deutsche Forfait Questions”;

- c. E-mail correspondence from Evan Winter to James Besch dated January 27, 2010, entitled “Covadonga – Chartis Credit Insurance Indicative Quote Outline.”

Each of the documents listed above relates to the underwriting of Comprehensive Export Credit Insurance Policy number 3615-3896 (the “Policy”), and represents a true and accurate copy of a document that Access Global Capital LLC (“Access Global”) produced to National Union in the currently pending arbitration among Access Global, Novel Commodities, S.A. (“Novel”) and National Union (the “Arbitration”) on May 8, 2013.<sup>1</sup>

3. National Union provides the following supporting documents as Def. Ex. 13:

- a. E-mail correspondence from James Besch to Benjamin Calderon, *et al.*, dated November 25, 2010, entitled “Inspection Certifications / Novel Mex Crop Contracts”;
- b. E-mail correspondence from James Besch to Francisco Cuevas, *et al.*, dated November 25, 2010, entitled “meeting”;
- c. E-mail correspondence from James Besch to Benjamin Calderon, *et al.*, dated November 25, 2010, entitled “mex crop and other items.”

Each of the documents listed above relates to the pre-claims process, and represents a true and accurate copy of a document that Access Global produced to National Union in the Arbitration on May 8, 2013.

4. National Union provides the following supporting document as Def. Ex. 14:

- a. Access Global Membership Certificate.

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<sup>1</sup> The parties to the Arbitration had agreed to exchange documents on April 30, 2013, as indicated in the previous Declaration of Joseph R. Profaizer dated April 24, 2013; however, on Novel’s request, the parties agreed to exchange documents on May 31, 2013.

The document listed above is part of Access Global's corporate records, and represents a true and accurate copy of the first of twenty identical Access Global Membership Certificates, numbered 1-20, which Novel and Access Global produced to National Union in the Arbitration on January 18, 2013.

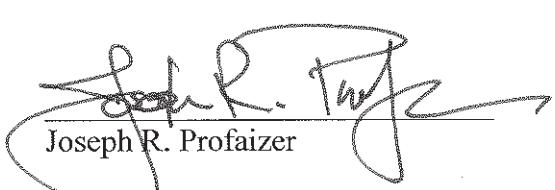
5. National Union provides the following supporting document as Def. Ex. 15:

- a. LexisNexis report regarding Global Commodities.

The document listed above is a report relating to Global Commodities, and represents a true and accurate copy of a document generated through the Delaware Secretary of State Gateway on LexisNexis. National Union will produce this document in the Arbitration on May 31, 2013.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 15th day of May, 2013 in Washington, District of Columbia.

By:

  
Joseph R. Profaizer